IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

Bail Appl..No. 4371 of 2007()

CRIME NO.317/2007 OF KANNUR TOWN POLICE STATION

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PETITIONERS/ACCUSED

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1. SUHAIL P.K., S/O. SAYEED, AGED 40 YEARS,
   SUMI HOUSE, THANA P.O., KANNUR-12.

2. SIDDIQUE T.M.,S/O. EBRAHIM, AGED 40 YRS,
   THARIMOOPAN HOUSE, THAYATHERU P.O., KANNUR.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS: RESPONDENT

STATE OF KERALA, REPRESENTED BY
SHO, KANNUR TOWN POLICE STATION,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4371 of 2007

Dated this the 23rd day of July 2007

O R D E R

Application for anticipatory bail. Petitioners are accused 1 and 2. The de facto complainant is the brother-in-law of the second accused. The alleged incident took place at 6 p.m on 24/6/2007. On account of animosity arising therefrom, the accused persons allegedly trespassed into the house of the de facto complainant and attacked him. An empty bottle was the alleged weapon used.

2. The learned counsel for the petitioners submits and the learned Public Prosecutor endorsed that submission that the parties have settled their disputes. The learned Public Prosecutor submits that, in these circumstances, considering the nature of the alleged relationship between the parties, anticipatory bail can be granted to the petitioners. A more detailed reference to facts does not appear to be necessary, in these circumstances.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 30/07/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 31/07/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 30/07/2007, they shall be released from custody on their executing bonds for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 30/07/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007